

**United States District Court
District of Massachusetts**

Jimmy Evans,)	
)	
Petitioner,)	
)	
v.)	C.A. No. 04-12205-WGY
)	
Michael Thompson,)	
)	
Superintendent, MCI Shirley)	
Respondent.)	

**Petitioner-Appellant's Motion for Leave
to File Appeal in Forma Pauperis**

The petitioner Jimmy Evans hereby moves that this Court grant him leave to file his appeal *in forma pauperis*. Evans further moves that this Court waive the requirement for a filing of a financial affidavit.

As grounds therefor, counsel for Evans hereby states as follows:

1. In August 1998, Evans was found to be indigent and undersigned counsel was appointed by the Massachusetts Committee for Public Counsel Services to represent him on the direct appeal of his murder conviction in Suffolk Superior Court.

2. Since counsel's appointment, Evans has been imprisoned in the Massachusetts correctional system and, to counsel's knowledge, his financial

situation has not changed.

3. Evans has provided counsel with the financial affidavit, the original of which is annexed hereto, which shows that he is unable to pay his docket fees.

Wherefore, the petitioner-appellant through his counsel requests that this Court grant him leave to file his appeal *in forma pauperis*.

Respectfully submitted,
Jimmy Evans,
By his attorney:

/s/Michael R. Schneider
Michael R. Schneider
Mass. BBO # 446475
Salsberg & Schneider
95 Commercial Wharf
Boston, MA 02110
617-227-7788

Dated: February 21, 2007

Certificate of Service

I hereby certify that the above motion has been served on Suzanne Reardon, counsel for the Commonwealth of Massachusetts, by e-filing.

Michael R. Schneider
Michael R. Schneider